

ORDINANCE NO. 1099 – 04/18

**CREATING ARTICLE VII, CHAPTER 26 OF THE WALWORTH COUNTY CODE OF
ORDINANCES RELATING TO LICENSING TO OFFER A RESIDENTIAL DWELLING
AS A SHORT TERM RENTAL**

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS:

PART I: That Article VII of Chapter 26 of the Walworth County Code of Ordinances is hereby created to read as follows:

“ARTICLE VII. - OFFERING A RESIDENTIAL DWELLING AS A SHORT TERM RENTAL.

Sec. 26-334. Short Term Rental License Required.

No person shall operate a Short Term Rental, as defined in Chapter 74 of the Walworth County Code of Ordinances, without first obtaining a license under this Section. Proof of the License and Property Rules shall be posted in a conspicuous location at all times while the property is rented and made available upon request for inspection.

Sec. 26-335. Purpose.

The purpose of this Article is to ensure a Short Term Rental operating in a Residential Dwelling within Walworth County is adequate for protecting public health, safety and general welfare, including establishing minimum standards for human occupancy; determining the responsibilities of owners, agents, and Designated Operators offering these properties for rent; to provide minimum standards necessary for the health and safety of persons occupying or using buildings, structures or premises as well as the surrounding community; and provisions for the administration and enforcement thereof.

Sec. 26-336. Applicability.

This article shall apply to all rentals of a Residential Dwelling as a Short Term Rental as defined in Chapter 74 of the Walworth County Code of Ordinances, but shall not apply to a full month rental in the month of February, within unincorporated Walworth County. This article shall not apply to facilities approved as a hotel, motel, tourist court, rooming house, lodge, lodging house, or bed and breakfast as defined in Section 74-131 and 74-263 of the Walworth County Code of Ordinances.

Sec. 26-337. Determination of application completeness.

The Department of Land Use and Resource Management shall make a finding of completeness of the application. Applications determined to be complete will be approved and the license shall be issued. Upon license issuance, the Department will attempt to notify all owners located within 150 feet of the property and shall provide said owners with the name and contact

1 information of the applicant and the Designated Operator. Once approved, each license shall be
2 valid for a period of one year from January 1st to December 31st.

3
4 **Sec. 26-338. Sanitary facilities.**

5
6 Adequate sanitary facilities shall be provided. Cesspools and non-plumbing sanitary systems
7 such as composting toilets, incinerating toilets, privies, and portable restrooms are prohibited. If the
8 property is not served by public sanitary sewer, a Private Onsite Wastewater Treatment System
9 (POWTS) in full compliance with this Article and in accordance with Chapter 70, Walworth County
10 Code of Ordinances, and Wisconsin Administrative Code DSPS 383 must serve the property.

11
12 **Sec. 26-339. Occupancy.**

13
14 If the property is served by public sanitary sewer, occupancy is limited to the number of
15 occupants authorized by the State Tourist Rooming House License issued by the State of
16 Wisconsin Department of Agriculture, Trade and Consumer Protection in accordance with
17 Wisconsin Administrative Code ATCP 72. If the property is served by a POWTS, occupancy is
18 limited to the number of occupants for which the POWTS was designed, or the occupancy granted
19 by the State Tourist Rooming House, whichever is less.

20
21 **Sec. 26-340. Parking.**

22
23 A minimum of two parking spaces shall be provided. No on-street parking for renters of the
24 property will be allowed. Parking may be provided off-site. Parking spaces must meet the
25 standards set forth in the Walworth County Zoning Code. The use of off-site parking for the rental
26 property shall not cause a violation of the required parking for the off-site location where parking
27 is to be provided.

28
29 **Sec. 26-341. Solid waste disposal.**

30
31 Adequate refuse containers shall be available to prevent accumulation or scattering of solid
32 waste, garbage and rubbish on the ground. Refuse containers shall be no larger than 2 cubic yards.
33 Refuse must be picked up from the property one time each week and within 24 hours of placement
34 for pick up.

35
36 **Sec. 26-342. Guest Registry.**

37
38 Each license holder shall keep a registry of the party responsible for securing the rental
39 including their name, address, phone number, dates of stay, and number of occupants in the party.
40 The registry shall be made available upon request by the Department.

41
42 **Sec. 26-343. Property Rules.**

43
44 A list of property rules must be posted at the property, provided to the guests and a copy
45 submitted with the application for a license. Property rules must include the following minimum
46 information:

- a. Maximum occupancy of the property.
- b. Contact information for the Designated Operator.
- c. Where to park.
- d. Quiet hours of 10 pm to 7 am.
- e. Pet policy. No more than four pets are allowed at the property.
- f. Outdoor burning regulations.
- g. Non-emergency contact information for law enforcement and fire.
- h. If applicable, information on the location of the high water alarm for the POWTS, and procedure to follow if the alarm is activated.
- i. What to do with the garbage after the rental period is done.
- j. Copy of the State of Wisconsin Tourist Rooming House license.
- k. Copy of the County Short Term Rental License.
- l. Copy of the boating regulations if the property is located on a lake.

Sec. 26-344. License Application and Fees.

Any property owner or person having a contractual interest in any residential dwelling in the county may file an application for a license to offer for rent a Short Term Rental with the Department at least 30 days in advance of the date the property is first offered for rent on forms furnished by the Department and shall include the following:

- a. The application shall include the following:
 1. Address and tax key of the residential dwelling.
 2. Names and addresses of the applicant, owner of the dwelling, and promoter or sponsor.
 3. Copy of State of Wisconsin Tourist Rooming House license.
 4. Name, address and phone number of a Designated Operator for the property.
 5. Proposed occupancy for the dwelling.
 6. Floor plan of all floors to be occupied in the dwelling, drawn neatly and accurately with dimensions clearly shown.
 7. Site plan drawn neatly and accurately of the parcel including but not limited to, lot lines, parking, and location of garbage collection areas.
 8. Copy of property rules.
 9. Schedule for refuse pickup and name of refuse hauler.
 10. Proof of adequate sanitation facilities.
- b. Any changes in ownership of the property, designated operator, or refuse hauler shall be forwarded to the Department within 10 days of the change
- c. Permit fee schedule. The license application fees shall be established by the Walworth County Board of Supervisors, according to procedures set forth in chapter 30 of the County Code of Ordinances, in a fee schedule and may, from time to time, be modified. The fees shall be related to costs involved in processing license applications, reviewing plans, conducting inspections, and documentation. A schedule of the fees shall be available for

review in the Walworth County Land Use and Resource Management Department or on the county website.

Sec. 26-345. Revocation.

Revocation of the license shall commence when the owner of the property fails to comply with the requirements of this ordinance as it existed at the time of the issuance of the license.

Sec. 26-346. Revocation process.

- a. The owner of the property shall be notified of any noncompliance by the Department.
- b. The owner shall correct the violation within 24 hours to the satisfaction of the Department.
- c. The Department may notify the Walworth County Executive Committee of noncompliance and request permission to proceed with the revocation process.
- d. Upon scheduling of the hearing, the Department will notify the owner of the property at least two weeks prior to the hearing date.
- e. The Department will attempt to notify all property owners located within 150 feet of the property at least two weeks prior to the public hearing.
- f. A representative of the Department shall appear at the hearing before the Committee to present the evidence of noncompliance. All other interested parties may also give testimony to the Committee.
- g. A written decision of the Committee will be made and will be provided to the owner and the Department.
- h. If the license is revoked, the owner may apply for a new license after a 12 month revocation period.”

PART II: That Section 26-7 of the Walworth County Code of Ordinances is hereby amended to read as follows (additions are underlined; deletions are shown in strike-through text):

“Sec. 26-7. Definitions and phrases.

Designated Operator: An individual who is available to respond to the property within one hour in the event of an emergency or complaint to the local law enforcement agency.

Department: Walworth County Land Use and Resource Management”

PART III: That this ordinance shall become effective upon passage and publication.

PASSED and ADOPTED by the Walworth County Board of Supervisors this 19th day of April 2018.

Nancy Russell
County Board Chair

Kimberly S. Bushey
Attest: County Clerk

1 County Board Meeting Date: April 19, 2018

2

3 Action Required: Majority Vote X Two-thirds Vote _____ Other _____

Policy and Fiscal Note is attached.

Reviewed and approved pursuant to Section 2-91 of the Walworth County Code of Ordinances:

David A. Bretl Date
County Administrator/Corporation Counsel

Nicole Andersen Date
Deputy County Administrator - Finance

If unsigned, exceptions shall be so noted by the County Administrator.